

REMARKS**Summary of the Office Action**

The abstract is objected to for alleged informalities.

Claim 5 (and dependent claims 8-9) stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly not being enabled by the specification.

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiiron (U.S. Patent No. 5,048,030) (hereinafter "Hiiron").

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Anikitchev et al. (U.S. Patent Application Publication No. 20040252743) (hereinafter "Anikitchev").

Claims 4 and 6-7, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form.

Objection to the Abstract

The abstract is objected to for alleged informalities. The Office Action asserts, at page 2, that "the abstract must be no longer than 150 words and no more than 15 lines in length, in the instant case the abstract is longer than the 15-line limit. Correction is required. See MPEP § 608.01(b)."

In response, Applicants respectfully submit that the cited portion of the MPEP specifically states that "[t]he abstract should be in narrative form and generally limited to a single paragraph within the range of 50 to 150 words. The abstract should not exceed *>15< lines of text (emphasis added)." This portion of the MPEP goes on to direct that "Abstracts exceeding *>15< lines of text should be checked to see that it does not exceed 150 words in

arguments.” Applicants respectfully submit that the similar rejection of claim 1 in the instant application should be withdrawn for similar reasons, and as set forth in the foregoing discussion.

Accordingly, Applicants respectfully assert that the rejection under 35 U.S.C. § 103(a) should be withdrawn because Hiiro does not teach each feature of independent claim 1 for at least the foregoing reasons. MPEP § 2143.03 instructs that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).” Furthermore, Applicants respectfully assert that dependent claims 2-9 are allowable at least because of their dependence from independent claim 1 and the reasons set forth above.

Applicants respectfully submit that, as described in dependent claim 2 of the instant application, the plurality of transmitting portions and the plurality of reflecting portions are both strip-like in form. The transmitting portions and the reflecting portions are extending in the z-direction described in Fig. 8, for example. Therefore, Applicants respectfully submit that even though the beams emitted from the beam converters 18 and 28 diverge in the z-direction, the optical combiner 30 can sufficiently transmit or reflect the beam.

The Examiner is thanked for the indication that claims 4, 6 and 7, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form. Applicants respectfully submit that these claims are also allowable at least because of their dependence from independent claim 1, and the reasons set forth above. Accordingly, withdrawal of the objection to these claims is respectfully requested.

length.” In the instant case, the Abstract does not exceed 150 words in length. Accordingly, it appears that the Office Action’s requirement for correction should be withdrawn.

In light of this issue, Applicants’ undersigned representative placed a telephone call to Examiner James Jones on February 13, 2008 to inquire as to whether or not Applicants’ understanding, as set forth above in this regard, is correct. Examiner Jones responded that this understanding is correct and the requirement for correction in the Office Action should be withdrawn so long as the abstract is less than 150 words, even though the abstract is more than 15 lines in length.

Accordingly, because the instant application’s abstract is less than 150 words in length, withdrawal of the requirement for correction is respectfully requested.

Rejections under 35 U.S.C. § 112, First Paragraph

Claim 5 (and dependent claims 8-9) stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly not being enabled by the specification. This rejection is respectfully traversed for at least the following reasons.

At pages 2-3 of the Office Action, the Examiner is correct in explaining that a particular embodiment is enabled in the specification. The embodiment that the Examiner is referring to in this regard, however, is already claimed, for example, in claim 4 of the instant application.

While Applicants agree that the features claimed in claim 4 of the instant application are fully enabled by the specification, Applicants also note that the features claimed in the rejected claim 5 are also fully enabled by the specification for at least the following reasons.

Applicants respectfully traverse the portion of this rejection in which the Examiner alleges that the specification does not provide enablement for “a second optical combiner having

one or more transmitting portions for receiving and transmitting the beams emitted from the third beam converter and one or more reflecting portions for receiving and reflecting the beams combined by the first optical combiner to combine the beams transmitted through the one or more transmitting portions and the beams reflected by the one or more reflecting portions.”

Such an assertion is respectfully traversed because the specification provides clear enablement for the arrangements described in claim 5 (and dependent claims 8-9) as follows. For example, page 30, line 20 – page 31, line 6 of the instant application’s specification discloses an embodiment in which the beams emitted from the third light source 40 can be caused to be transmitted through the second optical combiner 50 and the combined beams 61 from the first optical combiner can be caused to be reflected by the second optical combiner 50. This portion of the specification goes on to direct that “[i]n this case, the transmitting portions of second optical combiner 50 receive the beams emitted from third beam converter 48. Meanwhile, the reflecting portions of second optical combiner 50 receive combined beam 61...”

Accordingly, Applicants respectfully submit that the “second optical combiner” features of claim 5 (and dependent claims 8-9) of the instant application are clearly disclosed at least at this portion of the specification of the instant application in a manner that Applicants respectfully submit are entirely sufficient to enable one having ordinary skill in the art to make and use the invention described in claim 5 (and dependent claims 8-9), despite the allegations in the Office Action’s rejection in this regard. In the event that the Examiner might maintain this rejection, the Examiner is respectfully requested to explain in the next Office Communication why the Examiner believes that this disclosure at page 30, line 20 – page 31, line 6 would not enable one having ordinary skill in the art to make and use the invention described in claim 5 (and dependent claims 8-9) of the instant application.

Even further, Applicants respectfully submit that similar arguments were made in response to a similar rejection in an Office Action dated March 22, 2007 in U.S. Patent Application No. 10/523,634 (“the ‘634 application”) in a Response and Request for Reconsideration filed on August 22, 2007 in the ‘634 application. In response, Examiner James Jones noted at page 5 of a subsequent Office Action dated November 15, 2007 in the ‘634 application that Applicants had overcome the similar rejection “by thoroughly explaining and clearly pointing out where in the applicant’s specification support for the enablement of claim 7 can be found.” Applicants respectfully submit that the similar rejection of claim 5 in the instant application should be withdrawn for similar reasons, and as set forth in the foregoing discussion.

As a result, Applicants respectfully submit that claim 5 of the instant application (and its dependent claims 8-9) fully comply with 35 U.S.C. § 112, first paragraph for at least the foregoing reasons. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, first paragraph is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Anikitchev et al. (U.S. Patent Application Publication No. 20040252743) (hereinafter “Anikitchev”). With regard to claims 1-3, Applicants respectfully submit that Anikitchev should not be considered as prior art in the present application under any subsection of 35 U.S.C. § 102 for at least the following reasons.

Acknowledgement of a Claim for Priority and of receipt of a certified copy of the instant application’s priority document (Japanese Patent Application No. 2002-253852, which was filed in Japan on August 30, 2002) was made by the Examiner at page 1, section 12 of the Office

Action dated August 22, 2007. Pursuant to 37 C.F.R. § 1.55(a), Applicants submit concurrently herewith a verified translation of Japanese Patent Application No. 2002-253852. The effective U.S. filing date under 35 U.S.C. § 102(e) of Anikitchev is June 11, 2003, which is after the priority date to which this application is entitled.

Accordingly, Applicants respectfully submit that Anikitchev should not be considered as prior art in the present application under any subsection of 35 U.S.C. § 102. Withdrawal of the rejection under 35 U.S.C. § 103(a) is thus respectfully requested.

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiiro. This rejection is respectfully traversed for at least the following reasons.

Applicants respectfully submit that Hiiro discloses a semiconductor laser 10A and a semiconductor laser 10B. However, each of these is disclosed respectively in Hiiro as a separate, single semiconductor laser which is different from a semiconductor laser array with a plurality of active layers aligned in parallel in a specific direction, as described in detail in claim 1 of the instant application. Therefore, Applicants respectfully submit that Hiiro does not disclose the “semiconductor laser array” features of independent claim 1 of the instant application.

Also, Applicants respectfully submit that Hiiro discloses a polarized beam splitter 16 which transmits P-polarized light and reflects S-polarized light. Therefore, the polarized beam splitter 16 transmits or reflects an entire beam depending on the polarization state. Therefore, the polarized beam splitter 16 does not disclose providing a first optical combiner structure that includes a combination of both transmitting portion(s) and reflecting portion(s), as specifically described in independent claim 1 of the instant application. Accordingly, Applicants respectfully submit that Hiiro does not disclose the “one or more transmitting portions” and the “one or more reflecting portions” features of independent claim 1 of the instant application.

Even further, Applicants respectfully submit that Hiiro discloses a 1/2 wavelength plate 14A and a 1/2 wavelength plate 14B. However, Applicants note that each of these rotates a polarization plane. On the other hand, the beam converter described in independent claim 1 of the instant application is not configured to rotate a polarization plane. Instead, it rotates the entire beam collimated by the collimator lens by substantially 90° in a manner that differs from the Hiiro arrangement. Therefore, Applicants respectfully submit that Hiiro does not disclose the “beam converter” features of independent claim 1 of the instant application.

Applicants respectfully submit that, in embodiments of the disclosure of the instant application, as described in independent claim 1, for example, the beam converter receives the beams collimated by the collimator lens and rotates the transverse section of each beam by substantially 90°. Therefore, the spread of each beam within a plane perpendicular to the direction of alignment of the active layers is restrained by the collimation of the collimator lens. Applicants respectfully submit that rotating the transverse section of each beam by substantially 90° suppresses the spread of the beam in the direction of alignment of the active layers. Accordingly, adjacent beams become unlikely to cross each other. This enables close arrangement of the active layers, and therefore, higher optical density can be obtained.

Even further, Applicants respectfully submit that similar arguments were made in response to a similar rejection in an Office Action dated March 22, 2007 in U.S. Patent Application No. 10/523,634 (“the ‘634 application”) in a Response and Request for Reconsideration filed on August 22, 2007 in the ‘634 application. In response, Examiner James Jones noted at page 5 of a subsequent Office Action dated November 15, 2007 in the ‘634 application that the Hiiro reference “has been overcome due to applicant’s highly persuasive

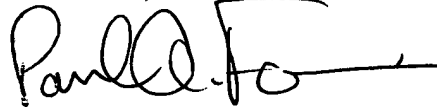
CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0573. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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